

Present: President Mooney; Members: Abboud, Delaney, Mueller, and Nunez

Absent: President Pro-Tem Peddie; Member: Oen

Also Present: Village Manager and Clerk, Wilson
Village Attorney, Ryan
Public Safety Director, Torongeau

President Mooney called the regular Council meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. The Pledge of Allegiance was led by Scouts from Troop 1024, and recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Delaney, second by Abboud to approve the agenda.

Motion passed.

COMMUNITY ANNOUNCEMENTS

Scout Luke DaSilva, Locherbie, reported that his gazebo renovation project had been approved by the Boy Scouts of America Project Manager, and he would begin this project this fall.

Several scouts from Troop 1024 were in attendance; Jon Bourland, Wade Fletcher, Vincent Betanzo, and Emilio Benavente.

Jeff Neamith, leader in Troop 1024 thanked Council for the use of Beverly Park for their first Scout overnight camp out.

PUBLIC COMMENTS

Kay Michael, Kirkshire spoke outlining the concerns of herself and neighbors regarding new homes being built on their street.

CONSENT AGENDA

Motion by Abboud, second by Nunez, be it resolved that the Council for the Village of Beverly Hills approve the consent agenda.

1. Review and consider approval of minutes of a regular Council meeting held September 18, 2018.
2. Review and file bills recapped as of Monday, October 1, 2018.
3. Refer request from Detroit Country Day, 22305 W. 13 Mile Road, for site plan and special land use approval to the Planning Commission for review and recommendation.
4. Approve payment to Canfield Equipment Service for Police Vehicle Update.
5. Approval of payment to Johnson Thermal Temp for Public Safety cooling system repair.

Roll Call Vote:

Motion passed (5-0)

BUSINESS AGENDA

REVIEW AND CONSIDER SUBCOMMITTEE’S RECOMMENDATION TO FILL THE VACANCY ON THE BIRMINGHAM AREA CABLE BOARD

A subcommittee chaired by Delaney met at 7:15 pm to review applications to fill a vacancy on the Birmingham Area Cable Board. The subcommittee recommended the appointment of Sara Bresnahan with the term expiring on June 30, 2020.

Motion by Delaney, second by Mueller, to appoint Sara Bresnahan to the Birmingham Area Cable Board with term expiring June 30, 2020.

Motion passed.

REVIEW AND CONSIDER AWARDING CONTRACT FOR THE 2018 ROAD IMPROVEMENT PROGRAM

The Village received bids for reconstruction of 14 Mile Rd. from west of Lahser to the west Village limits on Sept. 20, 2018. The bid also included work, identified as Division 2 in the bid, in Westwood Commons Sub with Westwood Commons paying the Village for the work performed in the subdivision. There were three bidders for this project ranging from a high bid of \$371,655.35 to a low bid of \$339,180.50 for all work (14 Mile reconstruction and Westwood Commons).

After the bids were taken, Westwood Commons Board decided not to utilize the bids submitted to the Village and to do the work themselves leaving the low bid cost to the Village for 14 Mile Rd. reconstruction at \$301,055.50. This bid was submitted by Asphalt Specialist, Inc. who have done work in the Village before and are an approved contractor with the Village. It was agreed that the project would be started in the spring of 2019 considering the lateness of the season. Administration recommends that Village of Beverly Hills award this project to Asphalt Specialist, Inc. Funds for this project are available in the 2018-19 Budget for Major Roads.

Motion by Abboud, second by Delaney, be it resolved that the Beverly Hills Village Council award the 2018 Road Improvement Program to Asphalt Specialist, Inc. for the reconstruction of 14 Mile Rd. from west of Lahser to the west Village limits in the amount of \$301,055.50 and authorize the Village Manager to sign the contracts.

Roll call vote:
Motion carried.

REVIEW AND CONSIDER APPROVAL OF CONCURRENCE FORM FOR REQUEST FOR DECLARATION RULING ON LEAD AND COPPER RULES.

The Great Lakes Water Authority (GLWA), the Detroit Water and Sewerage Department (DWSD) and the Oakland County Water Resources Commissioner (WRC) have filed a Request for Declaratory Ruling with the Michigan Department of Environmental Quality (MDEQ) to challenge the validity of the MDEQ’s Lead and Copper Rules. A copy of the Request for Declaratory Ruling is attached. The request is quite thorough and identifies almost 30 statutory and legal defects in the MDEQ’s revised Lead and Copper Rules.

GLWA requested all first and second tier customers submit a Concurrence Form to the MDEQ by the end of September. At their meeting of September 12th, the SOCWA Board approved a similar Concurrence Form. SOCWA has requested that all member communities and Bloomfield Hills and Bloomfield Township also separately approve their own Concurrence Form.

Ryan has reviewed the request and recommended that it be placed before the Council for consideration and that the Concurrence Form be approved. Village Administration has also reviewed this Request and discussed the matter with SOCWA officials and recommends approval.

The Village, SOCWA, WRC, and the GLWA are all committed to Lead and Copper rules that protect the public water supply. However, they do not feel that the revisions passed by the MDEQ are compliant with current state statues and will not, as written, serve this purpose. They are hopeful that MDEQ will work with local communities and water suppliers on Lead and Copper Rules that are legally enforceable and serve the greater public good.

Motion by Delaney, second by Abboud, be it resolved that the Beverly Hills Village Council approve and authorizes the Village Manager to sign the Concurrence Form relative to the Request for Declaratory Ruling filed by the Great Lakes Water Authority, the Detroit Water and Sewerage Department and the Oakland County Water Resources Commissioner.

Motion passed.

SET PUBLIC HEARING DATE OF NOVEMBER 6, 2018 TO RECEIVE COMMENTS ON SPECIAL LAND USE REQUEST BY WOODSIDE ATHLETIC CLUB, 22440 W THIRTEEN MILE ROAD

Woodside Athletic Club, 22440 W Thirteen Mile Road, has submitted a proposal for site plan review and special land use approval. The proposed changes include a new play structure north of the existing pool, relocating the existing kiddie pool, improvements to the patio and outside grill area including landscaping and ADA upgrades, and a new court on the east side of the property.

The property is zoned R-1, Single Family Residential and as a private club the use is permitted by special land use approval. Per Section 22.08.300 j, any modifications to a site plan after approval requires a new special land use approval. The Planning Commission held a public hearing on Wednesday, September 26, 2018 regarding the special land use in accordance with Section 22.08.300. At that meeting they recommended approval of the special land use contingent upon approval of the site plan.

The Planning Commission also recommended approval of the site plan with the following conditions:

- Temporary dumpster be emptied no earlier than 8:00 am,
- Fence south of walkway on sheet C-105 be modified to a compliant fence, and
- Sidewalk be installed along 13 Mile frontage per Section 22.08.410.

For all projects that require site plan approval, Village Ordinance requires a sidewalk to be installed along the perimeter of the lot that abuts a major, intermediate, or a collector street. The site plan, as submitted, does not include the installation of sidewalk. The Planning Commission

recommended that requirement be met for site plan approval; however they noted there is opportunity for the applicant to explore options with Administration and Village Council to assist in the efforts to connect the sidewalk in this area. Alternatively, the applicant could seek a variance from the Zoning Board of Appeals if they believe there are practical difficulties unique to their site that would limit their ability to comply with that standard.

Procedurally, the site plan and the special land use are separate approvals but both are required for the project to proceed. The special land use requires a public hearing to be held. The first available date for a public hearing is November 6, 2018 for the Village Council to receive comments on the special land use request from Woodside Athletic Club.

The Beverly Hills Village Council sets a public hearing date of Tuesday, November 6, 2018 to receive comments on the special land use request submitted by Woodside Athletic Club, 22440 W Thirteen Mile Road.

PUBLIC COMMENTS

None.

MANAGER'S REPORT

FY 2017-18 Audit – As a reminder, the auditors will be present at the meeting of October 16th for a formal presentation of the Villages audit for Fiscal Year 2017-18. Village Administration has been meeting with the auditors for the last few weeks to prepare for formal report and presentation.

Fire Apparatus – An update on the two new fire trucks: The mini-pumper is in the construction phase. Completion and delivery for this vehicle is scheduled for late November. Prior to delivery, Public Safety staff will make a visit to the factory for a final inspection with the manufacturer to make sure all equipment meets specifications and functions properly. The larger pumper truck is in the final modifications stage. Public Safety Administration sent some final minor modifications to Sutphen at the end of September. The chassis for this vehicle is scheduled for delivery in October. Completion and delivery of this vehicle is scheduled for late January.

Buckthorn Eradication Bid Opening – The Village had a bid opening for our buckthorn eradication bids on Friday, September 28th at 10:00. Bids were not opened in time to allow for consideration of a recommended bid to be placed on this agenda. Village Administration is in the process of reviewing the submitted bids and I will update Council and the Parks and Recreation Board.

Clerk Position – The Village has been taking applications for the position of Village Clerk throughout the month of September. Administration is in the process of reviewing these applications and will be scheduling interviews with qualified applicants next week. As the Village Charter requires, the Clerk position to be appointed by the Council, and Administration will be coordinating and consulting with the Personnel Committee throughout this process.

Road Work – The Road Commission for Oakland County expects to close westbound 14 Mile Rd. between Southfield and Greenfield roads in Birmingham and Beverly Hills for concrete removal and replacement beginning Friday, October 5th. Eastbound 14 Mile Rd. will remain open

to traffic and residential access will also be maintained. During the closure, westbound traffic will be detoured to Greenfield Rd. to 13 Mile Road to Southfield Rd, back to 14 Mile Rd. and vice versa. The partial closure is necessary due to limited space in the work zone areas. The closure is expected to last until about November 15th, weather permitting.

COUNCIL COMMENTS

Abboud reported the Planning Commission approved the Southfield and 13 Mile Plaza sign. They also have a sub-committee formed to explore ramifications of the upcoming recreational marijuana laws.

Mooney thanked the Scouts from Troop 1024 for attending the meeting.

Motion by Abboud, second by Nunez, to adjourn the meeting at 8:24 p.m.

Motion passed.

John Mooney
Council President

Chris Wilson
Village Clerk

Elizabeth M. Lyons
Recording Secretary